

BILL NO. G-88- 05-07

GENERAL ORDINANCE NO. D-13-88

AN ORDINANCE AMENDING CHAPTER 33 OF THE
MUNICIPAL CODE OF THE CITY OF FORT WAYNE

WHEREAS, the City of Fort Wayne has adopted Chapter 33 of the Municipal Code regarding the use of buildings, structures and land within the City, and,

WHEREAS, a proposed amendment as herein set out has been made.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Section 33.24, subsections (A) through (F) inclusive of Chapter 33 of the Municipal Code is hereby deleted, and replaced by the following:

The Plan Commission shall establish and collect a schedule of reasonable fees to defray the administrative costs connected with:

- 1) processing and hearing administrative appeals and petitions for rezoning, special exceptions, special uses, contingent uses, and variances;
- 2) issuing permits; and
- 3) other official actions taken under Title 36 of the Indiana Code.

SECTION 2. Section 33.14 N (15) a. of Chapter 33 of the Municipal Code shall be deleted, and replaced by the following:

- a) All Planned Unit Development plans shall be submitted to the Plan Commission with an application in the form to be prescribed by it, and accompanied with the applicable fee.

SECTION 3. Section 33.14 O (5) of Chapter 33 of the Municipal Code shall be deleted, and replaced by the following:

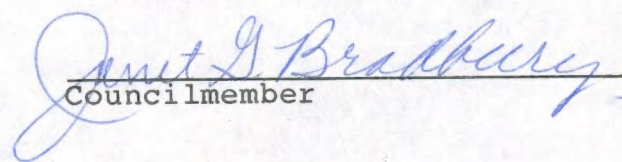
- 5) Filing Requirement - An applicant for a P.O.D. shall apply to the City Plan Commission on forms thereby prescribed, shall tender the applicable filing fee, and shall file the following together with the application:

SECTION 4. Section 33.14 D (10) XVI of Chapter 33 of the Municipal Code shall be deleted, and replaced by the following:

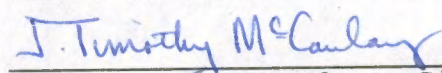
xvi. The application shall be accompanied with the established fee.

SECTION 5. All other items and provisions of Chapter 33 of the Municipal Code are hereby ratified and affirmed.

SECTION 6. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

Read the first time in full and on motion by Bradbury, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 5-10-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Jim Quanta, seconded by Redd, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u> </u>	<u> </u>	<u> </u>	<u>2</u>
<u>BRADBURY</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>LONG</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 6-14-88

Melinda Esteroff
SANDRA E. KENNEDY, CITY CLERK
Deputy

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 15-13-88 on the 14th day of June, 1988.

ATTEST:

SEAL

Melinda Esteroff
SANDRA E. KENNEDY, CITY CLERK
Deputy

Thomas P. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1988, at the hour of 11:30 o'clock 7 .M., E.S.T.

Melinda Esteroff
SANDRA E. KENNEDY, CITY CLERK
Deputy

Approved and signed by me this 16th day of June, 1988, at the hour of 8:30 o'clock 8 .M., E.S.T.

P. Helmke
PAUL HELMKE, MAYOR

Ord. 343

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE This amendment permits the City Plan Commission to
establish and collect reasonable fees to defray the administrative costs of
processing and hearing appeals and rezonings, issuing permits, and other actions
required under Title 36 of the Indiana Code.

B-88-05-07

EFFECT OF PASSAGE This ordinance will allow the Zoning Ordinance to reflect
provisions of Title 36 of the Indiana Code.

EFFECT OF NON-PASSAGE Status of present ordinance will remain the same.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

Division of Community Development & Planning

BILL NUMBER

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Ordinance Amendment

DETAILS

<p>Specific Location and/or Address</p> <p>Not Applicable</p>
<p>Reason for Project</p> <p>This amendment would permit the City Plan Commission to establish and collect fees to defray the administrative costs of processing and hearing appeals and rezonings, issuing permits, and other actions required under Title 36 of the Indiana Code.</p>
<p>Discussion (Including relationship to other Council actions) <u>18 April 1988 - Public Hearing</u></p> <p>Greg Purcell, Director of Community Development & Planning stated that we have two ordinances that would change the way that fees are charged for various subdivision and zoning petitions. He stated that right now the ordinance has a specified fee in it. He stated that what staff is suggesting is that the ordinance be amended to not specify what a fee was to be, but to give that discretion to the Plan Commission to establish those fees. He stated that the next step would obviously be to recommend an increase in those fees since some of them have not been increased since 1954. He stated that one convenience of this amendment would be that future changes in fees would not require an ordinance change to go through the City Council every time. He stated that the Plan Commission could examine this on a timely basis and make changes as they see fit.</p> <p>Karl Bandemer with Northhill Development Corporation stated that he was opposed to the amendment that would allow the City Plan Commission to establish fees. He stated he was not opposed to the raising</p>

POSITIONS

RECOMMENDATIONS

<p>Sponsor</p>	<p>City Plan Commission</p>
<p>Area Affected</p>	<p>City Wide</p> <p>Other Areas</p>
<p>Applicants/ Proponents</p>	<p>Applicant(s)</p> <p>City Department Land Use Management - CD&P Other</p>
<p>Opponents</p>	<p>Groups or Individuals</p> <p>Karl Bandemer, Northhill Dev Corporation</p> <p>Basis of Opposition</p> <p>-opposed to procedural change of establishing</p>
<p>Staff Recommendation</p>	<p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against</p> <p>Reason Against</p>
<p>Board or Commission Recommendation</p>	<p>By</p> <p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)</p>
<p>CITY COUNCIL ACTIONS (For Council use only)</p>	<p><input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass</p>

DETAILS

of the fees but to the change in the procedure to do so. He stated the procedure now for setting of fees, throughout the city, is appropriate in that departments must go through City Council.

Angie Derheimer stated that there are already departments in the city that set their own fees, the Park Department being one of them.

Greg Purcell pointed out that State Law provides that the Plan Commission may have the authority to set fees and there are other communities that do delegate that authority to the Plan Commission.

There was no one else present who wished to speak in favor of or in opposition to the proposed amendment.

25 April 1988 - Business Meeting

Motion was made and seconded that the amendment be returned to the Common Council with a DO PASS recommendation, motion carried.

Of the six (6) members present five (5) voted in favor of the motion one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 8 April 1988

Projected Completion or Occupancy

Date 17 May 1988

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

Date 17 May 1988

Date

5/20/88

Reference or Case Number

files

BILL NO. G-88-05-07

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending Chapter
33 of the Municipal Code of the City of Fort Wayne

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) Do Pass

YES

NO

Janet G. Bradbury

JANET G. BRADBURY
CHAIRPERSON

Mark E. GiaQuinta

MARK E. GIAQUINTA
VICE CHAIRMAN

Charles B. Redd

CHARLES B. REDD

David C. Long

DAVID C. LONG

Paul M. Burns

PAUL M. BURNS

CONCURRED IN 6-14-88

Sandra E. Kennedy
City Clerk